

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 15, 2004. Reconsideration and allowance of the application and presently pending claims 1-2, 4-11, 13-14 and 16-21, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-2, 4-11, 13-14 and 16-21 remain pending in the present application. More specifically, claims 1, 8, 13 and 16-19 are directly amended, claims 3, 12 and 15 are canceled without prejudice, waiver, or disclaimer, and claim 21 is added. The title is amended as required and minor typographical corrections are made to the Specification. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Objection to the Title

The Office Action, at page 2, requires a new title "that is clearly indicative of the invention to which the claims are directed." Applicant amends the title to more clearly reflect the claimed subject matter. Accordingly, Applicant respectfully requests entry of the title as amended and withdrawal of the objection.

3. Indication of Allowable Subject Matter

Applicant appreciates the indication that claims 3 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as indicated at page 9 of the Office Action.

As noted hereinbelow, the allowable subject matter of claim 3 has been incorporated into independent claims 1, 8, 18 and 19 so that these claims may be allowed. Accordingly, claim 3 is canceled without prejudice, waiver, or disclaimer. Applicant thanks the Examiner for determining that the subject matter of claim 3 is allowable.

Claim 16 is amended herein to be in independent claim format by including all limitations of its base claim 15. Applicant wishes to clarify that the amendment to claim 16 merely includes the elements of its parent independent claim 15.

Accordingly, because a dependent claim as a matter of law inherently contains all of the limitations of its respective parent independent claim, and any intervening claims, the amendment to claim 16 does not additionally narrow the scope of claim 16 in any manner. The amendment to claim 16, now in independent claim format, merely adds the text of the limitations inherently included in claim 16 as originally filed. Furthermore, the amendment to claim 16 merely places the claim in condition for allowance, and accordingly, does not require further consideration or search on the part of the Examiner.

4. Response to Rejection of Claims 1, 4, 6, 7-8 and 15 Under 35 U.S.C. §102(e)

In the Office Action, claims 1, 4, 6, 7 and 8 stand rejected under 35 U.S.C. §102(e) as allegedly being unpatentable by *Miller et al.* (U.S. Patent 6,310,648), hereinafter *Miller*. Additionally, claim 15 is rejected under 35 U.S.C. §102(e) as being anticipated by *Bronson* (U.S. Patent 6,384,863). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Claims 1 and 8

Applicant respectfully submits that independent claim 1, as amended, is allowable for at least the reason that *Miller* does not disclose, teach, or suggest the feature of displaying “a third button configured to delete data associated with the image shown by the display, wherein the third button is further configured to turn off the display when there is no data associated with the image shown by the display to delete” as recited in claim 1, or the features of “deleting data associated with the image shown by the display when the third control button is actuated” and “turning off the display when there is no data associated with the image shown by the display to delete when the third control button is actuated” as recited in claim 8. Applicants have amended claims 1 and 8 to incorporate the subject matter of claim 3, identified as being allowable at page 9 of the Office Action. Accordingly, Applicant believes that the rejection has been overcome and respectfully requests withdrawal of the rejection.

b. Claims 4, 6 and 7

Because independent claim 1 is allowable over the cited art of record, dependent claims 4, 6 and 7 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 4, 6 and 7 contain all features/elements of independent claim 1. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

c. Claim 15

Claim 15 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of this canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

5. Response to Rejection of Claims 2, 5, 9-14, 17-18 and 20 Under 35 U.S.C. §103(a)

In the Office Action, claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Miller*, in view of *Fellegara et al.* (U.S. Patent 6,441,854), hereinafter *Fellegara*, and further in view of *Kubo* (U.S. Patent 6,710,801). Claims 5, 12, 13 and 14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Miller* in view of *Sasaki et al.* (U.S. Patent 6,346,937), hereinafter *Sasaki*. Claims 9, 10 and 11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Miller* in view of *Fellegara*. Claim 17 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Bronson* in view *Sasaki*. Additionally, claims 18-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fellegara* in view of *Kubo*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, *e.g.*, *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 2 and 5

Because independent claim 1 is allowable over the cited art of record, dependent claims 2 and 5 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2 and 5 contain all features/elements of independent claim 1. Accordingly, the rejection to these claims should be withdrawn.

b. Claims 9-14

Because independent claim 8 is allowable over the cited art of record, dependent claims 9-11 and 13-14 (which depend from independent claim 8) are allowable as a matter of law for at least the reason that the dependent claims 9-11 and 13-14 contain all features/elements of independent claim 8. Accordingly, the rejection to these claims should be withdrawn.

Claim 12 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of this canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

c. Claim 17

Claim 17 is amended herein to depend upon claim 16. Because independent claim 16 is allowable over the cited art of record, dependent claim 17 (which depends from independent claim 16) is allowable as a matter of law for at least the reason that the dependent claim 17 contains all features/elements of independent claim 16. Accordingly, the rejection to this claim should be withdrawn.

d. Claims 18-20

Applicant respectfully submits that independent claim 18, as amended, is allowable for at least the reason that *Miller* does not disclose, teach, or suggest the features of “deleting data associated with the image shown by the display when the third control button is actuated” and “turning off the display when there is no data associated with the image shown by the display to delete when the third control button is actuated” as recited in claim 18, or the feature of “a third button configured to delete

data associated with the image shown by the display, wherein the third button is further configured to turn off the display when there is no data associated with the image shown by the display to delete” as recited in claim 19. Applicants have amended claims 18 and 19 to incorporate the subject matter of claim 3, identified as being allowable at page 9 of the Office Action. Accordingly, Applicant believes that the rejection has been overcome and respectfully requests withdrawal of the rejection.

Because independent claim 19 is allowable over the cited art of record, dependent claim 20 (which depends from independent claim 19) is allowable as a matter of law for at least the reason that the dependent claim 20 contains all features/elements of independent claim 19. Accordingly, the rejection to this claim should be withdrawn.

6. Newly Added Claim 21

New claim 21 is based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicant submits that no new matter has been added in the new claim 21, and that new claim 21 is allowable over the cited prior art. Therefore, Applicant requests the Examiner to enter and allow claim 21.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending 1-2, 4-11, 13-14 and 16-21 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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